

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

MICHAEL D'ANTONIO, as the plenary
conservator and next friend of TYLER
WHEELER, and NIKKI LAWRIE, as the
guardian and next friend of A.W., a minor,

Plaintiffs,

vs.

No. CIV 21-1027 JB/GBW

NEW MEXICO CORRECTIONS
DEPARTMENT; CENTENE CORPORATION;
MHM HEALTH PROFESSIONALS, LLC;
CENTURION CORRECTIONAL
HEALTHCARE OF NEW MEXICO, LLC;
DAVID UDERO; "JANE" HUDSON, R.N.;
SHERI PIERCE, H.S.A., and JOSE G.
ANDRADE-BARRAZA, M.D.,

Defendants.

ORDER¹

¹This Order disposes of (i) the Plaintiff's Motion to Prohibit Evidence or Argument About "Tort Reform," filed January 19, 2024 (Doc. 249); (ii) the Plaintiffs' Opposed Motion Exclude [sic] Expert Testimony on Witness Credibility Under Rules 702 and 403 [Doc. 251] [sic], filed January 22, 2024 (Doc. 251); (iii) the Plaintiffs' *Opposed* [sic] Motion Under Fed. R. Evid. 702 and 403 to Exclude Expert Testimony on Whether Udero Shook Tyler Wheeler and Hit His Head on the Floor Twice [Doc. 252] [sic], filed January 22, 2024 (Doc. 252); (iv) the Plaintiffs' Opposed Motion Under Fed. R. Evid. 702 and 402 to Exclude Expert Testimony that Luis Baltazar Caused Tayler Wheeler's Skull Fracture and Epidural Hematoma [Doc. 253] [sic], filed January 22, 2024 (Doc. 253); (v) the Plaintiffs' Opposed Motion in Limine to Exclude Evidence of Syringe Found After Hospitalization [Doc. 254] [sic], filed January 22, 2024 (Doc. 254); (vi) the Plaintiffs' Opposed Motion in Limine to Exclude Any Argument That Substance Abuse Caused Brain Damage to Tyler Wheeler or Impacted His Recovery [Doc. 255] [sic], filed January 22, 2024 (Doc. 255); (vii) the Plaintiffs' Opposed Motion to Exclude Duplicative, Cumulative Expert Testimony [Doc. 257] [sic], filed January 22, 2024 (Doc. 257); (viii) the Plaintiffs' Opposed [sic] Under Red. R. Evid. 702 to Limit the Testimony of Defense Expert Stephen Saris, M.D [Doc. 258] [sic], filed January 22, 2024 (Doc. 258); (ix) the Plaintiffs' Opposed Motion for Summary Judgment on Defendants' Unsupported Affirmative Defenses [Doc. 259] [sic], filed January 22, 2024 (Doc. 259); (x) the Plaintiffs' Opposed Motion for a Partial Summary Judgment on the Reasonableness of the Amounts of Tyler Wheeler's Medical Bills [Doc. 260] [sic], filed January 22, 2024 (Doc. 260); (xi) Centurion Correctional Healthcare of New Mexico, LLC, MHM Health

THIS MATTER comes before the Court on (i) the Plaintiff's Motion to Prohibit Evidence or Argument About "Tort Reform," filed January 19, 2024 (Doc. 249)("Tort-Reform MIL"); (ii) the Plaintiffs' Opposed Motion Exclude [sic] Expert Testimony on Witness Credibility Under Rules 702 and 403 [Doc. 251] [sic], filed January 22, 2024 (Doc. 251)("Witness-Credibility MIL"); (iii) the Plaintiffs' *Opposed* [sic] Motion Under Fed. R. Evid. 702 and 403 to Exclude Expert Testimony on Whether Udero Shook Tyler Wheeler and Hit His Head on the Floor Twice [Doc. 252] [sic], filed January 22, 2024 (Doc. 252)("Udero MIL"); (iv) the Plaintiffs' Opposed Motion Under Fed. R. Evid. 702 and 402 to Exclude Expert Testimony that Luis Baltazar Caused

Professionals, LLC, Sheri Pierce, Natalia Hudson, and Jose Andrade's Motion in Limine Regarding Evidence of "Inadequate" Staffing of Medical Personnel at Southern, filed January 23, 2024 (Doc. 262); (xii) the Defendants' Joint Motion to Limit the Testimony of Brian McDonald, Plaintiff's Economist Expert, filed January 23, 2024 (Doc. 263); (xiii) Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, Sheri Pierce, Natalia Hudson, and Jose Andrade's Motion to Exclude Plaintiffs' Expert Carrie Snead Davis, filed January 23, 2024 (Doc. 264); (xiv) Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, Sheri Pierce, Natalia Hudson, an [sic] Jose Andrade's Motion to Limit the Testimony of John Stein, M.D., filed January 23, 2024 (Doc. 265); (xv) Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, Sheri Pierce, Natalia Hudson, and Jose Andrade's Motion to Limit the Testimony of Plaintiffs' Expert Phil Stanley, filed January 23, 2024 (Doc. 266); (xvi) Defendants Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, and Sheri Pierce, H.S.A.'s Motion for Partial Summary Judgment as to the Civil Rights Violation Claims (Counts 9 & 10), filed January 23, 2024 (Doc. 268); (xvii) Defendants NMCD's and Udero's Motion in Limine to Exclude Testimony From Plaintiffs' Expert Witness Concerning Mechanism and Cause of Injury to Plaintiff Wheeler, filed January 23, 2024 (Doc. 272); (xviii) Defendant's NMCD's and Udero's Motion in Limine to Exclude Testimony or Arguments From Plaintiffs About the Disclosure of Discovery to Plaintiffs, filed January 23, 2024 (Doc. 273); (xix) Defendants Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals LLC, Sheri Pierce, Natalia Hudson, and Jose Andrade's Motion for Page Limit Extension for Certain Reply Briefs, filed February 19, 2024 (Doc. 329); and (xx) the Plaintiffs' Opposed Motion for a Surreply to the Centurion Defendants' Reply Brief in Support of Its Motion to Exclude Plaintiffs' Expert Marshall Allyn White, M.D. [Doc. 340] and the Centurion Defendants' Reply InSupport [sic] of Its Motion for Partial Summary Judgment on Causation [Doc. 348] [sic], filed February 23, 2024 (Doc. 356). The Court will issue at a later date, however, a Memorandum Opinion more fully detailing its rationale for this decision.

Taylor Wheeler's Skull Fracture and Epidural Hematoma [Doc. 253] [sic], filed January 22, 2024 (Doc. 253)("Skull-Fracture MIL"); (v) the Plaintiffs' Opposed Motion in Limine to Exclude Evidence of Syringe Found After Hospitalization [Doc. 254] [sic], filed January 22, 2024 (Doc. 254)("Syringe MIL"); (vi) the Plaintiffs' Opposed Motion in Limine to Exclude Any Argument That Substance Abuse Caused Brain Damage to Tyler Wheeler or Impacted His Recovery [Doc. 255] [sic], filed January 22, 2024 (Doc. 255)("Substance-Abuse MIL"); (vii) the Plaintiffs' Opposed Motion to Exclude Duplicative, Cumulative Expert Testimony [Doc. 257] [sic], filed January 22, 2024 (Doc. 257)("Cumulative-Testimony MIL"); (viii) the Plaintiffs' Opposed [sic] Under Fed. R. Evid. 702 to Limit the Testimony of Defense Expert Stephen Saris, M.D [Doc. 258] [sic], filed January 22, 2024 (Doc. 258)("Saris MIL"); (ix) the Plaintiffs' Opposed Motion for Summary Judgment on Defendants' Unsupported Affirmative Defenses [Doc. 259] [sic], filed January 22, 2024 (Doc. 259)("Plaintiffs' MSJ"); (x) the Plaintiffs' Opposed Motion for a Partial Summary Judgment on the Reasonableness of the Amounts of Tyler Wheeler's Medical Bills [Doc. 260] [sic], filed January 22, 2024 (Doc. 260)("Medical Bills MSJ"); (xi) Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, Sheri Pierce, Natalia Hudson, and Jose Andrade's Motion in Limine Regarding Evidence of "Inadequate" Staffing of Medical Personnel at Southern, filed January 23, 2024 (Doc. 262)("Staffing MIL"); (xii) the Defendants' Joint Motion to Limit the Testimony of Brian McDonald, Plaintiff's Economist Expert, filed January 23, 2024 (Doc. 263)("McDonald MIL"); (xiii) Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, Sheri Pierce, Natalia Hudson, and Jose Andrade's Motion to Exclude Plaintiffs' Expert Carrie Snead Davis, filed January 23, 2024 (Doc. 264)("Snead MIL"); (xiv) Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, Sheri Pierce, Natalia Hudson, an [sic] Jose

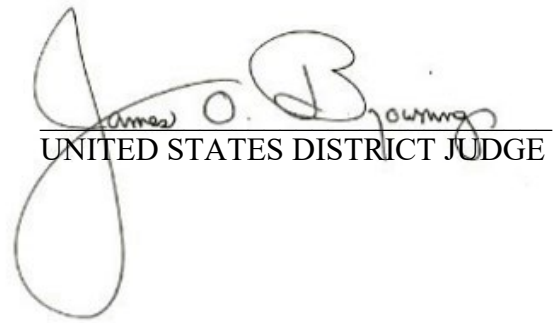
Andrade's Motion to Limit the Testimony of John Stein, M.D., filed January 23, 2024 (Doc. 265)("Stein MIL"); (xv) Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, Sheri Pierce, Natalia Hudson, and Jose Andrade's Motion to Limit the Testimony of Plaintiffs' Expert Phil Stanley, filed January 23, 2024 (Doc. 266)("Stanley MIL"); (xvi) Defendants Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, and Sheri Pierce, H.S.A.'s Motion for Partial Summary Judgment as to the Civil Rights Violation Claims (Counts 9 & 10), filed January 23, 2024 (Doc. 268)("Civil Rights MSJ"); (xvii) Defendants NMCD's and Udero's Motion in Limine to Exclude Testimony From Plaintiffs' Expert Witness Concerning Mechanism and Cause of Injury to Plaintiff Wheeler, filed January 23, 2024 (Doc. 272)("Injury Mechanism MIL"); (xviii) Defendant's NMCD's and Udero's Motion in Limine to Exclude Testimony or Arguments From Plaintiffs About the Disclosure of Discovery to Plaintiffs, filed January 23, 2024 (Doc. 273)("Discovery MIL"); (xix) Defendants Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals LLC, Sheri Pierce, Natalia Hudson, and Jose Andrade's Motion for Page Limit Extension for Certain Reply Briefs, filed February 19, 2024 (Doc. 329)("Page-Limit Motion"); and (xx) the Plaintiffs' Opposed Motion for a Surreply to the Centurion Defendants' Reply Brief in Support of Its Motion to Exclude Plaintiffs' Expert Marshall Allyn White, M.D. [Doc. 340] and the Centurion Defendants' Reply InSupport [sic] of Its Motion for Partial Summary Judgment on Causation [Doc. 348] [sic], filed February 23, 2024 (Doc. 356)("Motion for Surreply"). The parties have represented to the Court that this case has settled. See Order for Motion to Approve Settlement, filed July 11, 2024 (Doc. 397)("Order") at 1. Therefore, the Court dismisses without prejudice as moot (i) the Tort-Reform MIL; (ii) the Witness-Credibility MIL; (iii) the Udero MIL; (iv) the Skull-Fracture MIL; (v) the Syringe MIL; (vi) the Substance-Abuse MIL; (vii) the

Cumulative-Testimony MIL; (viii) the Saris MIL; (ix) the Plaintiffs' MSJ; (x) the Medical Bills MSJ; (xi) the Staffing MIL; (xii) the McDonald MIL; (xiii) the Snead MIL; (xiv) the Stein MIL; (xv) the Stanley MIL; (xvi) the Civil Rights MSJ; (xvii) the Injury Mechanism MIL; (xviii) the Discovery MIL; (xix) the Page-Limit Motion; and (xx) the Motion for Surreply.

IT IS ORDERED that the Court dismisses without prejudice (i) the Plaintiff's Motion to Prohibit Evidence or Argument About "Tort Reform," filed January 19, 2024 (Doc. 249); (ii) the Plaintiffs' Opposed Motion Exclude [sic] Expert Testimony on Witness Credibility Under Rules 702 and 403 [Doc. 251] [sic], filed January 22, 2024 (Doc. 251); (iii) the Plaintiffs' *Opposed* [sic] Motion Under Fed. R. Evid. 702 and 403 to Exclude Expert Testimony on Whether Udero Shook Tyler Wheeler and Hit His Head on the Floor Twice [Doc. 252] [sic], filed January 22, 2024 (Doc. 252); (iv) the Plaintiffs' Opposed Motion Under Fed. R. Evid. 702 and 402 to Exclude Expert Testimony that Luis Baltazar Caused Tayler Wheeler's Skull Fracture and Epidural Hematoma [Doc. 253] [sic], filed January 22, 2024 (Doc. 253); (v) the Plaintiffs' Opposed Motion in Limine to Exclude Evidence of Syringe Found After Hospitalization [Doc. 254] [sic], filed January 22, 2024 (Doc. 254); (vi) the Plaintiffs' Opposed Motion in Limine to Exclude Any Argument That Substance Abuse Caused Brain Damage to Tyler Wheeler or Impacted His Recovery [Doc. 255] [sic], filed January 22, 2024 (Doc. 255); (vii) the Plaintiffs' Opposed Motion to Exclude Duplicative, Cumulative Expert Testimony [Doc. 257] [sic], filed January 22, 2024 (Doc. 257); (viii) the Plaintiffs' Opposed [sic] Under Fed. R. Evid. 702 to Limit the Testimony of Defense Expert Stephen Saris, M.D [Doc. 258] [sic], filed January 22, 2024 (Doc. 258); (ix) the Plaintiffs' Opposed Motion for Summary Judgment on Defendants' Unsupported Affirmative Defenses [Doc. 259] [sic], filed January 22, 2024 (Doc. 259); (x) the Plaintiffs' Opposed Motion for a Partial Summary Judgment on the Reasonableness of the Amounts of Tyler Wheeler's

Medical Bills [Doc. 260] [sic], filed January 22, 2024 (Doc. 260); (xi) Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, Sheri Pierce, Natalia Hudson, and Jose Andrade's Motion in Limine Regarding Evidence of "Inadequate" Staffing of Medical Personnel at Southern, filed January 23, 2024 (Doc. 262); (xii) the Defendants' Joint Motion to Limit the Testimony of Brian McDonald, Plaintiff's Economist Expert, filed January 23, 2024 (Doc. 263); (xiii) Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, Sheri Pierce, Natalia Hudson, and Jose Andrade's Motion to Exclude Plaintiffs' Expert Carrie Snead Davis, filed January 23, 2024 (Doc. 264); (xiv) Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, Sheri Pierce, Natalia Hudson, an [sic] Jose Andrade's Motion to Limit the Testimony of John Stein, M.D., filed January 23, 2024 (Doc. 265); (xv) Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, Sheri Pierce, Natalia Hudson, and Jose Andrade's Motion to Limit the Testimony of Plaintiffs' Expert Phil Stanley, filed January 23, 2024 (Doc. 266); (xvi) Defendants Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals, LLC, and Sheri Pierce, H.S.A.'s Motion for Partial Summary Judgment as to the Civil Rights Violation Claims (Counts 9 & 10), filed January 23, 2024 (Doc. 268); (xvii) Defendants NMCD's and Udero's Motion in Limine to Exclude Testimony From Plaintiffs' Expert Witness Concerning Mechanism and Cause of Injury to Plaintiff Wheeler, filed January 23, 2024 (Doc. 272); (xviii) Defendant's NMCD's and Udero's Motion in Limine to Exclude Testimony or Arguments From Plaintiffs About the Disclosure of Discovery to Plaintiffs, filed January 23, 2024 (Doc. 273); (xix) Defendants Centurion Correctional Healthcare of New Mexico, LLC, MHM Health Professionals LLC, Sheri Pierce, Natalia Hudson, and Jose Andrade's Motion for Page Limit Extension for Certain Reply Briefs, filed February 19, 2024 (Doc. 329); and (xx) the Plaintiffs'

Opposed Motion for a Surreply to the Centurion Defendants' Reply Brief in Support of Its Motion to Exclude Plaintiffs' Expert Marshall Allyn White, M.D. [Doc. 340] and the Centurion Defendants' Reply InSupport [sic] of Its Motion for Partial Summary Judgment on Causation [Doc. 348] [sic], filed February 23, 2024 (Doc. 356).



UNITED STATES DISTRICT JUDGE

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